

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed November 15, 2006. Claims 1-24 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-3, 6-11, 13-19 and 21-24 remain in the application. Claims 1-24 were originally presented. Claims 4, 5, 12 and 20 have been canceled without prejudice. Claims 1, 2, 10 and 17 have been amended and are fully supported by the specification. Support for the amendments is clearly found in the original claims, specification, and in the figures.

Claim Rejections - 35 U.S.C. § 102

Claims 1-2, 4-6, 9-10, 12-14, 17-20, and 22-23 (including independent claims 1, 10, and 17) were rejected under 35 U.S.C. § 102(b) as being anticipated by Mahvi (U.S. Patent No. 4,815,732).

The Mahvi reference fails to disclose a physical therapy apparatus with a seat back and a leg board pivotal with respect to the seat back, and selectively adjustable and maintainable in discrete obtuse angular orientations between 150 and 90 degrees with respect to the seat back. Instead, Mahvi teaches a base platform and a backrest that is pivotal with respect to the base platform between an initial perpendicular position and a forward position in which the back rest pivots toward the base platform, thus starting the patient at a right angle position.

In contrast, independent claims 1, 10 and 17 set forth a seat back and a leg board pivotally coupled together and selectively adjustable and maintainable at discrete obtuse angular orientations between approximately 150 to 90 degrees with respect to the seat back.

The Mahvi reference fails to show a backrest adjustable to an obtuse angular orientation between approximately 150 to 90 degrees with respect to the seat back. As clearly shown in FIG. 2 and described in columns 5 and 6, pivoting the backrest forward does not result in an obtuse angle between the backrest and the platform but instead moves the backrest closer to the base. Additionally, Mahvi plainly teaches that the backrest is returnable to its perpendicular position, and not to an obtuse angular orientation with respect to the base. Moreover, it is unclear to

applicant how the unidirectional ratchet mechanism, as it is shown in FIGs. 1-3, could maintain the backrest of Mahvi in an obtuse angular orientation with respect to the base.

In fact, Mahvi is the type of stretching device which the present application seeks to improve since the present application is directed at stretching individuals with increased tone and spasticity that would not allow the user to even sit in the Mahvi device with the backrest in a perpendicular position with respect to the base, let alone in a forwardly bent position.

Therefore, Applicant respectfully submits that independent claims 1, 10 and 17 are allowable, and urges the Examiner to withdraw the rejection. Claims 2, 5-6, 9-10, 13-14, 17-19, and 22-23 are allowable for at least their dependence on allowable independent claims.

Claims 1, 7, 8, 10, 15, and 16 (including independent claims 1, 10) were rejected under 35 U.S.C. § 102(b) as being anticipated by Perry, Jr. (U.S. Patent No. 5,163,890).

The Perry reference fails to disclose a physical therapy apparatus with a substantially vertical seat back and that is inclinable from a substantially vertical position, and a leg board pivotal with respect to the seat back. Instead, Perry teaches a platform to support the user's head in a face down orientation with the user's arms hanging downwardly at opposite sides of the platform.

In contrast, independent claim 1 sets forth:

“a substantially vertical seat back configured to receive a torso of the patient” (emphasis added).

Similarly, independent claim 10 sets forth:

“a seat back inclinable from a substantially vertical position, and configured to receive a torso of the patient” (emphasis added).

As clearly shown in FIGs. 1, 5 and 6, the platform in Perry is not substantially vertical. Additionally, it is unclear to applicant how the platform in Perry could be inclined from a substantially vertical position.

Therefore, Applicant respectfully submits that independent claims 1 and 10 are allowable, and urges the Examiner to withdraw the rejection. Claims 7, 8, 15, and 16 are allowable for at least their dependence on allowable independent claims.

Claim Rejections - 35 U.S.C. § 103

Claim 21 was rejected under 35 U.S.C. § 103 as being unpatentable over Mahvi alone.

Claims 3 and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Perry alone.

Claim 24 was rejected under 35 U.S.C. § 103 as being unpatentable over Mahvi in view of Wolff (U.S. Patent No. 4,645,205).

Applicant respectfully submits that claims 2, 11, 21 and 24 are allowable for at least their dependence on allowable independent claims.

CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-3, 6-11, 13-19 and 21-24 are now in condition for allowance. Therefore, Applicant requests that the rejections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Four claims were canceled (claims 4, 5, 12, and 20). Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 14 day of Feb, 2007.

Respectfully submitted,



Garron M. Hobson
Registration No. 41,073

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633